

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 240

Introduced by Assembly Member Reyes

January 30, 2003

An act to add ~~Section 43021.5~~ *Sections 40116.5, 43021.5, and 45006* to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 240, as amended, Reyes. Solid waste facilities: regulations : enforcement.

Existing

(1) *Existing* law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, establishes an integrated waste management program, including the regulation of solid waste disposal. The board is required to adopt and revise regulations setting minimum standards for solid waste handling, transfer, composting, transformation, and disposal. Under existing law, no person may operate a solid waste facility without a solid waste facilities permit if the facility is required to have a permit.

This bill would prohibit the board from adopting any regulation that exempts a ~~solid waste facility~~ *construction and demolition processing facility, as defined*, from any of the requirements for solid waste facilities, including any regulations based on the number of tons of solid waste per day accepted by the facility.

(2) *Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit. Existing law authorizes an*

enforcement agency to issue an administrative order requiring the owner or operator of a solid waste facility to take corrective action.

The bill would provide that an owner or operator of a construction and demolition processing facility is liable for, and is required to pay for, the costs of taking corrective action at the site of the facility, if the board or the enforcement agency finds that the operation of the facility is in violation of the facility's solid waste facilities permit or finds that a catastrophe emergency has directly resulted from the operations of the facility.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40116.5 is added to the Public
2 Resources Code, to read:

3 40116.5. "Construction and demolition processing facility"
4 means a solid waste facility that processes waste building
5 materials, packaging, and rubble resulting from construction,
6 remodeling, repair, and demolition operations on pavements,
7 houses, commercial buildings, and other structures.

8 SEC. 2. Section 43021.5 is added to the Public Resources
9 Code, to read:

10 43021.5. Notwithstanding any other provision of this
11 division, the board may not adopt a regulation, that exempts a ~~solid~~
12 ~~waste~~ construction and demolition processing facility from the
13 requirements of this part or any regulations adopted pursuant to
14 this part, based on the number of tons of solid waste per day
15 accepted by the facility.

16 SEC. 3. Section 45006 is added to the Public Resources Code,
17 to read:

18 45006. In addition to the requirements of Sections 45000 and
19 45005, an owner or operator of a construction and demolition
20 processing facility is liable for, and shall pay the costs of, taking
21 corrective action at the site of the facility, if the board or the
22 enforcement agency finds that the operation of the facility is in
23 violation of the facility's solid waste facilities permit or finds that

- 1 *a catastrophic emergency has directly resulted from the operations*
- 2 *of the facility.*

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